

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

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JOHNNY LANDRUM, #134 871

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Plaintiff,

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v.

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2:07-CV-495-WKW  
(WO)

DR. JOHN ALLEN JONES

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Defendant.

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**ORDER ON MOTION**

On September 26, 2007 Defendant filed a Motion for Reinstatement of Recommendation of Dismissal Dated June 12, 2007. In his brief in support of his motion Defendant maintains that he is not a “state actor” and thus, the undersigned’s Recommendation of Dismissal was appropriate and due to be reinstated. (*Doc. No. 14 at 3.*)

The court has carefully reviewed Defendant’s pending motion and brief filed in support thereof. Based on this review, the court finds that granting the motion would not be appropriate at this juncture. Defendant admits to contracting with the prison medical provider, Prison Health Services, Inc., to provide medical care to certain inmates referred to him for treatment who are in the custody of the Alabama Department of Corrections. (*Doc. No. 14 at 1-2.*) *See Ort v. Pinchback*, 786 F.2 1005 (11<sup>th</sup> Cir. 1986) (a private physician who contracted with the state to render services to a prisoner acted under color of state law). Thus, Defendant’s request to reinstate the June 12, 2007, Recommendation of the Magistrate Judge will be denied. However, defendant is free to renew his argument in any additional

pleadings he may file in this matter pursuant to further orders of the court.

Accordingly, it is

ORDERED the Defendant's Motion for Reinstatement of Recommendation of Dismissal Dated June 12, 2007 (Doc. No. 13) be and is hereby DENIED.

DONE, this 28<sup>th</sup> day of September, 2007.

/s/ Susan Russ Walker

SUSAN RUSS WALKER

UNITED STATES MAGISTRATE JUDGE